

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOHN WAYNE ZIBOLSKY,

Plaintiff,

v.

Case No. 17-cv-1090-pp

ERIN BROOKINS, *et al.*,

Defendants.

**ORDER REQUIRING PLAINTIFF TO RESPOND
TO DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

On March 21, 2018, the defendants filed a motion for summary judgment. Dkt. No. 19. The plaintiff’s response materials were due on April 23, 2018. (Civil L.R. 56(b)(2), a copy of which the defendants included in their motion, requires that “Each party opposing a motion for summary judgement must file [response materials] within 30 days of service of the motion” See Dkt. No. 19.) The plaintiff’s response was due over two months ago; according to the court’s records, the plaintiff has not responded to the motion.

The plaintiff must file his opposition brief and other materials in time for the court to receive them by **August 3, 2018**, or provide the court with a written explanation for why he is unable to do so. As a reminder, the plaintiff must respond to each of the defendant’s proposed facts (by agreeing with the proposed fact or explaining why he disagrees with the proposed fact; if the plaintiff does not indicate one way or the other, the court will assume that he agrees with the proposed fact) and he must respond to the legal arguments in

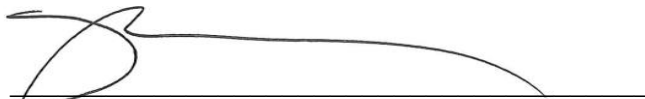
the defendant's brief. A plaintiff must support his facts, or his disagreement with the defendants' facts, with evidence. He can do that by relying on the information and documents he got during discovery or by telling the court his version of what happened in an affidavit or an unsworn declaration under 28 U.S.C. §1746¹. An unsworn declaration is a way for the plaintiff to tell his side of the story while declaring to the court that everything he has written down is true and correct.

If the plaintiff fails to either file his opposition brief and other response materials, or explain why he can't do so, by the end of the day on **August 3, 2018**, the court will conclude that he does not oppose the defendants' motion for summary judgment and will decide the motion without the plaintiff's input. See Civ. L.R. 7(d) (E.D. Wis. 2010).

The court **ORDERS** the plaintiff to either respond to the defendants' motion for summary judgment or file a letter explaining why he is unable to do so in time for the court to receive it by the end of the day on **August 3, 2018**. If the plaintiff fails to do either of these things by that deadline, the court will decide the motion for summary judgment without the plaintiff's input.

Dated in Milwaukee, Wisconsin, this 6th day of July, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge

¹ At the bottom of his declaration he should state: "I declare under penalty of perjury that the foregoing is true and correct. Executed on [date]. [Signature]." 28 U.S.C. §1746(2).